

REMARKS

This paper is in response to the final Office Action in which claims 1-22 were rejected under 35 U.S.C. §103(a) as unpatentable over Fantone et al. U.S. Patent No. 6,549,295 ("Fantone") in view of official notice taken by the examiner. Reconsideration and withdrawal of the claim rejections are hereby respectfully solicited in view of the foregoing amendments and these remarks.

By the foregoing amendments, claims 5 and 10 have been cancelled, leaving claims 1-4, 6-9, and 11-22 pending and at issue. Claims 1, 4, 8, 9, 11, 15 and 20 have been amended.

Submitted herewith is a request for continued examination under 37 C.F.R. §1.114 and the requisite fee under 37 C.F.R. §1.17(e). The applicant accordingly submits that the foregoing claim amendments should be entered for consideration by the examiner.

The courteous interviews granted by Examiner Thai to the applicant's undersigned attorney are hereby acknowledged with appreciation. During an initial telephonic interview conducted on May 11, 2006, claims 1, 4, 8 and 15 were discussed in view of the prior art reference and official notice cited in the above-identified claim rejection. Specifically, the cited prior art was discussed in connection with an identified theme including both a foreground image and a background image (see, e.g., claim 1), and in connection with composite background and foreground images (see, e.g., claims 4 and 15). Examiner Thai indicated during the interview that claims 4, 9, 11, 15 and 20 would benefit from clarification of the term "composite" via the additional recitation of "lenticular" (e.g., see the prior amendments to claims 1, 8 and 15). During two follow-up telephone conversations conducted on May 25, 2006, and June 13, 2006, amendments to claims 1, 4, 8, 9, 11, 15, and 20, including the foregoing amendments, were proposed and favorably addressed. Specifically, Examiner Thai indicated that the claims, as amended by the foregoing amendments, had been found to recite allowable subject matter over the cited prior art.

The applicant respectfully requests that an initialed copy of the Form PTO/SB/08 submitted in connection with the paper entitled "Third Information Disclosure Statement"

and mailed on October 31, 2005, be provided to indicate consideration by the examiner of the documents listed thereon.

Independent claims 1 and 8 have been amended to incorporate the limitations of cancelled claims 5 and 10, respectively. Claim 9 has been amended to reflect the amendment of claim 8. Accordingly, no new matter has been added by these amendments.

Claims 4, 9, 11, 15 and 20 have been amended to clarify various references to composite images as "lenticular composite" images. No new matter has been added by these amendments. See, e.g., page 4, lines 3-24, of the application as originally filed.

Claim Rejections - 35 U.S.C. §103(a)

Of the claims remaining after the foregoing amendments, claims 1-4, 6-9, and 11-22 stand rejected under 35 U.S.C. §103(a) as anticipated by Fantone. The applicant respectfully traverses these rejections, and the assertions and determinations therein, for at least the following reasons.

Independent claim 1, as amended, and, by implication, claims 2-4, 6 and 7 dependent thereon, recite in pertinent part a method in which a theme identifier is received, the theme including a foreground image, an interior image, and a background image, and in which the interior image is interleaved with a received digital image to create a final lenticular composite image. Fantone, taken either alone or in conjunction with the official notice, fails to disclose such theme identification or the interleaving of an interior image of the identified theme, for the reasons set forth below.

Fantone discloses a method for making display products that incorporate preprogrammed fillers, identified at col. 9, lines 20-23, as backgrounds, stock, corporate logos, and text. The software described by Fantone can combine such preprogrammed fillers with original images acquired for merging in the final display products. However, any merging involving the original images does not interleave an original image with a preprogrammed filler. On the contrary, the original images are merged (i.e., interlaced) with each other, after which the preprogrammed fillers may be added.

The applicant accordingly submits that Fantone fails to disclose interleaving a received digital image with the preprogrammed filler or any aspect thereof, let alone an interior image thereof. Furthermore, even if Fantone discloses receiving a theme identifier via selection of one of the preprogrammed fillers, the applicant respectfully submits that no theme is selected or identified in Fantone that includes a background image, an interior image, and a foreground image.

Official notice has been taken regarding other steps of claim 1 and, thus, the facts asserted therein fail to cure the deficiencies of Fantone noted above. Specifically, official notice was taken in connection with receiving a shipping address, and causing an item to be shipped to the shipping address.

For these reasons, it is respectfully submitted that the cited art fails to disclose or suggest a method in which a theme identifier is received, and in which an interior image of the identified theme is interleaved, as recited in claim 1, as amended. It is therefore respectfully submitted that the cited art fails to disclose or suggest every element of independent claim 1. It follows that claim 1 and, by implication, claims 2-4, 6 and 7 dependent thereon, recite patentable subject matter over the cited art.

Independent claim 8, as amended, and, by implication, claims 9 and 11-14 dependent thereon, recite in pertinent part an apparatus having an interlacer structured to generate a composite interior image using a received digital image and an interior image associated with an identified theme. As set forth above, Fantone fails to disclose or suggest an interior image of a theme, much less one interleaved with a received digital image. Accordingly, the cited art fails to disclose an interlacer structured to generate a composite interior image using a received digital image and an interior image associated with an identified theme.

For these reasons, it is respectfully submitted that claim 8, as amended, and, by implication, claims 9 and 11-14 dependent thereon, recite patentable subject matter over the cited art.

Independent claim 15, as amended, and, by implication, claims 16-22 dependent thereon, recite a method in which, among other things, lenticular composite background and

foreground images are generated. As set forth above, Fantone discloses preprogrammed fillers, such as a background image. However, Fantone fails to disclose or suggest the generation of a lenticular composite background image. For this reason, as well as the recitations in claim 15 regarding, for example, the creation of specialized background and digital images, it is respectfully submitted that claims 15-22 recite patentable subject matter over the cited art.

CONCLUSION

The applicant has now made an earnest attempt to place the application in condition for allowance. For the foregoing reasons, the applicant respectfully requests reconsideration and allowance of claims 1-4, 6-9, and 11-22.

Although the applicant believes that no fees are due (other than those noted above), the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 13-2855 of Marshall, Gerstein & Borun LLP. In addition, if a petition for an extension of time under 37 CFR 1.136(a) is necessary, the applicant requests that the Commissioner consider this paper to be a request for an appropriate extension of time and hereby authorize the Commissioner to charge the fee as set forth in 37 CFR 1.17(a) corresponding to the needed extension of time to Deposit Account No. No. 13-2855 of Marshall, Gerstein & Borun LLP. A copy of this paper is enclosed herewith.

If any matters can be discussed by telephone to further the prosecution of this application, the examiner is urged to contact the undersigned at the number indicated below.

Dated: June 13, 2006

Respectfully submitted,

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